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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,776	12/22/2000	Christian Merheim	63923	1432
2292 7590 05/30/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER VO, TUNG T	
			ART UNIT 2621	PAPER NUMBER
			NOTIFICATION DATE 05/30/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

## Office Action Summary

Application No.

09/746,776

Applicant(s)

MERHEIM ET AL.

Examiner

Tung Vo

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/24/2007 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-11 rejected under 35 U.S.C. 103(a) as being unpatentable over Yuasa et al. (US 4,679,077).

Re claims 1, 6, and 9, Yuasa teaches a monitoring system for carrying out a method of monitoring monitored locations by means (figs. 1, 3-5) of a monitoring system comprising a plurality of monitoring modules (1-1...1-n of fig. 1), each of the plurality of monitoring modules (1-1...1-n of fig. 1) having a light-sensitive sensor a visual image sensor is a video camera, fig. 1), for monitoring the monitored locations (1-1...1-n of fig. 1, the visual image sensor is at different locations), and a remote monitoring station with an operator (fig. 5, note remote monitoring operation), the plurality of monitoring

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modules being arranged to carry out computer based analysis (figs. 1-14A, and 14B) , comprising the steps of: recording (1-1 of fig. 1, Note the video camera is capturing an image of a scene) by each of the monitoring modules an image of the monitored location associated with the monitoring module, extracting (17 of fig. 1 and 20 of fig. 3) in each of the monitoring modules an area in the recorded image that differs from a reference image (previous data Db of fig. 1), extracting (30 of fig. 4) in each of the monitoring modules an object from the area (the extracted features are labeled and made into list-formed line drawing in the feature extractor circuit, 31 of fig. 4), classifying (32-37 of fig. 4) in each of the monitoring modules the object based on characteristics, such as a characteristic of the type: size, shape and/or movement history, associated with the object (col. 10, line 26-col. 11, line 22; the changed objects are classified into shapes, sizes, location, and moving directions, wherein the changed object are humans, animals, smoke, or flame), if the object is a human alarm object (Note the changed object to be tracked, col. 11, lines 15-22, this would fairly suggest, the changed object is a human, col. 10, lines 52-65), transmitting (fig. 11A, where encoder is compressing the changed object into code and transmitting to the decoder, fig. 11B, when the changed object is detected as human), if the object is classified as a human alarm object (col. 10, lines 34-65), data representing only the extracted area of the image in a stylized way (27 of fig. 3; col. 8, lines 60-68), the stylized way representing a recognizable human shape ( Note to convert differentiated picture data into a line drawing data on the basis of edges and contours in a line drawing generator circuit 30 of fig. 4, wherein the changed or differentiated object is a human shape to be recognized, 30 of fig. 4, col. 10, lines 52-col. 11, line 22; so this disclosure would fairly suggested, one of ordinary skill in the art, recognizing the human shape as

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changed shape that would be transmitted to the remote location, figs. 11a and 11b), to the monitoring station (fig. 5; col. 12, lines 14-34), and recreating (73-86 of fig. 5) said transmitted data in the monitoring station and displaying the same (86 of fig. 5) to the operator for verification of the human alarm object (see figs. 11A and 11B, Note code compressor (150 of fig. 11A) for transmitting the compressed data as code to the receiver (fig. 11B) for decompressing the compressed data as code to re-create sample (image data)).

Re claims 2-5, 7-8, 10-11, Yuasa further teaches in which the method further comprises the step of creating the outline shape of the area in order to represent the object in a stylized way (27 of fig. 3); in which the stylized area is a stylized outline shape (col. 8, lines 60-68); the step of comparing particular characteristics (60, 65, and 66 of fig. 4) associated with the object with corresponding characteristics associated with an object extracted from a previously recorded image (col. 6, lines 12-23), in which case if the characteristics conform to the extent that they can be considered to belong to the same object, data is recorded about the movement history of the object for classification and/or transmission to the monitoring station to be recreated and displayed to the operator (col. 10, line 66-col.11, line 9); if the object is classified as a human alarm object, of transmitting supplementary alarm information about the area such as information of the type (col. 10, lines 52-65): intensity regions and/or line content together with data representing the area in a stylized way and of recreating and displaying the transmitted supplementary alarm information (84 and 86 of fig. 5, note character data is superimposed with the data representing the data in a stylized (line drawing)).

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***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

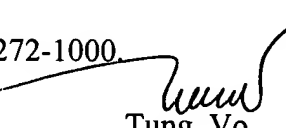
Boyette (US 5,097,328) discloses apparatus and a method for sensing events from a remote location.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Vo whose telephone number is 571-272-7340. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Tung Vo  
Primary Examiner  
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